

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 1.25. Administrative Procedures--Hearings

Article 4. Administrative Hearing Procedures for Review of Citations

Subarticle 2. Issuance and Service of Citations

§ 60075.11. Determination of Class I Violations.

(a) A Class I violation includes:

(1) All violations arising pursuant to Health and Safety Code §§44011.6, et seq.

(2) Violations of the statutes and regulations pertaining to the motor vehicle fuel requirements and standards that the state board has determined, based upon its enforcement discretion, to be of a nature that is clear cut, and less complex and serious, in terms of size, scope, and harm to the public and environment.

(b) In determining whether violations are Class I violations under section (a)(2), the state board shall consider factors, including, but not limited to:

(1) The discernability of the violation;

(2) The potential risk of injury to the public and environmental harm from such a violation;

(3) Whether the violation is a single violation or has occurred in tandem with other violations;

(4) The frequency and duration of the violation;

(5) The time, effort, and expense required to correct the violation;

(6) The cooperation of the citee in detecting and correcting the violation;

(7) The compliance history of the citee;

(8) Other factors as appropriate.

(c) The maximum civil penalty that may be proposed for each Class I violation, described in subparagraph (a)(2) above, may not exceed \$5,000 per day of violation and the maximum cumulative penalty that may be proposed in any single citation may not exceed \$15,000. See section 60075.39.

NOTE: Authority cited: Sections 39600, 39601, 43028, 43031(a) and 44011.6(m), Health and Safety Code. Reference: *Mathews v. Eldridge*, 424 U.S. 319 (1976); and Sections 43028, 43031(a) and 44011.6, Health and Safety Code.

REFERENCE